

REMARKS

Claims 1-7, 9-19, 21-23 and 25-30 remain pending in the instant application. All claims presently stand rejected. Claims 1, 7, 9, 11, 15, 19, 21, 23, 25, and 27 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 6, 7, 9-11, 14, 15, 19, 21-23, and 25-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz et al. (US 6,088,722) in view of Vallone et al. (US 6,642,939).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Independent Claims 1, 11, 15, and 27

Amended independent claim 1 now recites, in pertinent part,

updating a meta-data table stored by the client system, the meta-data table including a list of attributes correlated to **relevance values and believability values**, the relevance value of a corresponding attribute increased when a user of the client system indicates interest in a particular data file having the corresponding attribute, the believability value of the corresponding attribute increased when the user accesses the particular data file having the corresponding attribute;

Applicants respectfully submit that the combination of Herz and Vallone fails to teach or suggest a meta-data table including both relevance values and believability values. Furthermore, the cited prior art fails to teach or suggest increasing relevance values when a user merely indicates interest in a data file while the believability values increased when the user actually accesses the data files.

To be sure, Herz discloses,

However, it is preferred that the customer and/or content profiles be updated to allow for changes in the customers' preferences as well as to correct errors in the original determinations of the profiles. Accordingly, at step 110, the customers' set top multimedia terminals maintain a record of the video

programs that are actually watched by the customer for a period of time (say, 10 minutes) sufficient to establish that the customer “liked” that program.

Herz, col. 26, lines 26-30. Accordingly, *Herz* discloses a single tier system where customer profiles may be updated based on video programs **actually watched** by a customer for a period of time. However, *Herz* fails to teach or suggest a two-tier technique where attributes are correlated to relevance values **AND** believability values. *Herz* does not distinguish between merely showing interest and actually accessing a data file.

By way of example, and not limitation, a viewer may view meta-data associated with a program and then expressly classify the program as something they may be interested in watching based on one or more attributes disclosed in the meta-data (e.g., a favorite actress or genre). Thus, the viewer has “indicated interest” in the data file. However, after the program is recorded the viewer may actually never access or view the program and therefore the believability of the attribute is lower. Although the attribute was “relevant” for the viewer, it ultimately did not persuade the viewer to watch the program and is therefore a less believable attribute for determining whether the viewer will ultimately watch the program. Applicants note that this scenario is only an example for the sake of discussion and explanation. Only the express claim language should be deemed to limit the claims.

Consequently, the combination of *Herz* and *Vallone* fails to teach or suggest all elements of amended claim 1, as required under M.P.E.P. § 2143.03. Amended independent claims 11, 15, and 27 now include similar nonobvious elements as independent claim 1. Accordingly, Applicants request that the instant §103(a) rejections of claims 1, 11, 15, and 27 be withdrawn.

Independent Claims 7, 19, and 23

Amended independent claims 7 now recites, in pertinent part,

broadcasting meta-data to one or more client systems, the meta-data including attribute data describing content of respective data files from among a plurality of data files **not yet scheduled, but potentially to be broadcast at future times** by the server system; and

Applicants respectfully submit that the cited prior art fails to disclose broadcasting meta-data that describes data files not yet scheduled, but potentially to be broadcast at future times.

To be sure, Herz discloses

Preferably, the content profiles are downloaded all at once for a given time period along with the corresponding scheduling data as part of the electronic program guide data and sent via a separate data channel.

Herz, col. 25, lines 55-58. Accordingly, Herz discloses transmitting content profiles along with the electronic program guide data. In other words, Herz only discloses transmitting content profiles of programs that have already been scheduled for broadcast. Nowhere does Herz disclose transmitting content profiles of programs that have not yet been scheduled for broadcast.

Additionally, claim 7 recites, in pertinent part,

broadcasting a meta-data broadcast schedule prior to broadcasting the meta-data, the meta-data broadcast schedule to indicate a time when the meta-data is to be subsequently broadcast.

Applicants respectfully submit that the cited prior art also fails to disclose broadcasting a meta-data broadcast schedule **prior** to broadcasting the meta-data itself. Rather, Herz merely discloses that the content profiles are downloaded all at once as part of the electronic program guide. Nowhere does Herz teach or suggest first broadcasting a schedule for the meta-data and then broadcasting the meta-data for data files which have not yet even been scheduled for broadcast.

Consequently, the combination of Herz and Vallone fails to teach or suggest all elements of amended claim 7, as required under M.P.E.P. § 2143.03. Amended independent claims 19 and 23 now include similar nonobvious elements as independent claim 1. Accordingly, Applicants request that the instant §103(a) rejections of claims 7, 19, and 23 be withdrawn.

Dependent Claims

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants

respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

Applicants note that dependent claims 9, 21, and 25 have been additionally amended and now include additional elements.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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